

would be “worthwhile” for Eckstein and Moody to come in to see Duffy.⁴⁴⁹ Moody’s impression was clearly mistaken, as the decision had been made and the release of the denial letter awaited only the completion of Duffy’s meeting with Eckstein and Moody.

On Friday, July 14, Eckstein and Moody met with Duffy in offices adjacent to the Secretary’s suite at Interior. The entire meeting lasted approximately 40 minutes, with Duffy quietly listening to Eckstein and Moody present arguments in support of approving the application. Duffy even seemed to Eckstein to be nodding in agreement with some of the points. About 30 minutes into the meeting, however, Duffy interrupted the presentation and said that he had to cut it off because the application was going to be denied, and the denial was going out that day. According to Eckstein, Duffy cited as the reasons for the denial (1) the local opposition to the project and (2) the prospect of harm to the St. Croix gaming facility at Turtle Lake. Eckstein understood this latter point to be made in the context of the detriment criterion under IGRA Section 20, so he and Moody presented further arguments about what should properly constitute detriment under the statute. Moody also recalled Duffy’s saying at this meeting that “Bruce is really opposed to letting gaming go off reservation,”⁴⁵⁰ though Eckstein does not recall this remark. After five or 10 minutes more, however, they clearly perceived that they were making no headway, and the meeting concluded.

Outside of Interior, Havenick and Goff were waiting for Eckstein and Moody when they emerged from the Duffy meeting. Upon hearing that Interior was going to turn down the application, Moody and Eckstein recalled that Havenick became extremely upset. Moody

⁴⁴⁹OIC Interview of Jim Moody, Oct. 29, 1998, at 6.

⁴⁵⁰*Id.*